(3)

Supreme Court, U.S.
FILED
MAY 27 2004
OFFICE OF THE CLERK

No. 03-1447

IN THE

SUPREME COURT OF THE UNITED STATES

Jane Roe, II,

Petitioner,

v.

Aware Woman Center For Choice, Inc., a Florida corporation, Edward W. Windle, Jr., Patricia B. Windle, and William P. Egherman, M.D.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

REPLY TO BRIEF IN OPPOSITION

Michael R. Hirsh
Petitioner's Counsel of Record
125 TownPark Drive
Suite 300
Kennesaw, Georgia 30144
(770) 420-8224

PARTIES TO THE PROCEEDING

"Petitioner"

Jane Roe, II

"Respondents"

Edward W. Windle, Jr., individually, Patricia B. Windle, individually, William P. Egherman, M.D., individually, and Aware Woman Center For Choice, Inc.

TABLE OF CONTENTS

Parties To The Proceeding . . . . . *i*

Table of Contents . . . . . *ii*

Table of Citations . . . . . *iii*

Reply to Brief In Opposition 1

Conclusion 3

TABLE OF CITATIONS

Cases: **Page**

Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833, 120 L.Ed 2d 674, 112 S.Ct. 2791 (1992) 1

REPLY TO BRIEF IN OPPOSITION

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

Alexander Pope, *Essay on Man*, 1. 1048-1052

This Court promised judicial faithfulness in the abortion arena when deciding *Planned Parenthood of Southeastern Pa. v. Casey,* 505 U.S. 833, 120 L.Ed. 2d 674, 112 S.Ct. 2791 (1992). Granting Jane Roe, II's petition is necessary for the Court to keep that promise. The Court need look no further than the testimony of the doctor who performed the abortion on Jane Roe, II for the undisputed facts of the forced abortion at Aware Woman Center For Choice.

The horror of forced abortion has been legitimized by the Eleventh Circuit in its carving out a necessity defense to FACE charges for forced abortion committed in abortion clinics.

As has been well documented in the record before this Court, Respondents have long been zealous champions in support of abortion. Historically, however, they have always limited their zeal to "a woman's right to choose." Until now. In their joint brief opposing certiorari, Respondents acknowledge that the absolute right of a woman to refuse an abortion "is certainly true in almost any conceivable context." (page 5) Every conceivable context but this one!

Apparently Respondents are serving as the Will Rogers of the abortion lobby and have never seen an abortion that they didn't like. If Respondents have their way, the only link missing from the chain is mandatory abortion. And

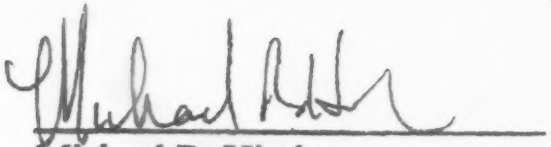
that is not too far off as was uncovered in the deposition of Respondents' abortion expert.

Additionally, Respondents have tendered for the first time in their opposition brief the newly-asserted suggestion that Jane Roe, II was in no frame of mind to make decisions for herself (at page 5). This is akin to suggesting that a woman who has had a few drinks is not qualified to say "No" to a sexual advance because she had earlier spoken in the affirmative.

They also assert that Jane Roe, II never presented testimony from an expert "who could comment on Dr. Egherman's motivation". Both of these admissions by Respondents underscore the impropriety of the District Court's actions. Both of these facts go to the credibility of two witnesses in this case, not the summary disposition from a judge.

CONCLUSION

For these reasons, the Court must grant Jane Roe, II's Petition for Certiorari.



Michael R. Hirsh
Counsel of Record
125 TownPark Drive
Suite 300
Kennesaw, Georgia 30144
(770) 420-8224